

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUN 01 2020
CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY , DEPUTY

UNITED STATES OF AMERICA,)
ex rel. SOUTHWIND CONSTRUCTION)
SERVICES, LLC)

Plaintiff/Relator,)

v.)

THE ROSS GROUP CONSTRUCTION)
CORPORATION,)
THE ROSS GROUP, LLC,)
RED CEDAR ENTERPRISES, INC.,)
PENTACON, LLC,)
C3, LLC,)
JOHN DOES 1-5,)

Defendants.)

FILED IN CAMERA
CASE UNDER SEAL
(31 U.S.C. § 3730(b)(2))

CIV-15-0102-R

UNITED STATES' NOTICE OF INTERVENTION-IN-PART FOR PURPOSES
OF EFFECTUATING SETTLEMENT AND DECLINATION-IN-PART

The United States and Relator have reached a settlement agreement to resolve the claims brought on behalf of the United States in this action against The Ross Group Construction Corporation; The Ross Group, LLC; PentaCon, LLC; and C3, LLC (the "Settling Defendants"). In light of this agreement, and for the purpose of effectuating and formalizing that resolution, pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), the United States respectfully advises the Court of its decision to intervene in part for the purposes of settlement and to decline in part.

Specifically, the United States intervenes in this action as to the Settling Defendants with respect to all civil claims based upon the Covered Conduct as defined in Paragraph E of the parties' Settlement Agreement dated February 19, 2020.

The United States declines intervention with respect to all other defendants and all other claims alleged in this action apart from those based upon the Covered Conduct as defined in the parties' Settlement Agreement dated February 19, 2020.

Under the terms of the settlement agreement among the parties, following the Settling Defendants' payment of the federal settlement amount, the United States and the Relator will file a Notice of Dismissal with respect to all claims brought on behalf of the United States.

In light of the settlement agreement, the United States does not presently intend to file a complaint in intervention but reserves the right to seek leave to file such a complaint in the event that the Settling Defendants not pay the full settlement amount consistent with the terms of the settlement agreement.

Finally, the United States hereby requests that the Court unseal the Relator's Complaint, this Notice of Intervention for Purposes of Effectuating Settlement, and all subsequent filings following this Notice. The United States further requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and the time for making an election to intervene should be extended.


A proposed order accompanies this Notice.

Dated: June 1, 2020

Respectfully submitted,

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CERTIFICATE OF MAILING

_____ I hereby certify that on _____, I electronically transmitted the attached document to the Clerk of Court using the ECF System. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant:


ECF SERVICE NOT APPROPRIATE - CASE UNDER SEAL

X I hereby certify that on June 1, 2020, the attached **FILING UNDER SEAL** was mailed, postage prepaid, to the following:

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